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LAW OF THE SEA

Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Brazil, Cameroon, Canada, Côte d'Ivoire, Cyprus, Egypt, Fiji, Finland, France, Germany, Guyana, Iceland, Indonesia, Ireland, Italy, Jamaica, Kenya, Malaysia, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Senegal, Singapore, Sri Lanka, Sweden, Uganda, United Republic of Tanzania, United States of America, Uruguay and Vanuatu: draft resolution

The General Assembly,

Conscious of the fundamental importance of the United Nations Convention on the Law of the Sea 1/ for the maintenance and strengthening of international peace and security,

Recognizing the universal character of the Convention and the establishment through it of a legal order for the seas and oceans which will facilitate international communication and promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources and the study, protection and preservation of the marine environment,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, the General Assembly proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of

1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

mankind, and that the Convention provides the regime to be applied to the Area and its resources,

Welcoming the adoption on 28 July 1994 of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (hereinafter referred to as "the Agreement"), 2/ aimed at facilitating universal participation in the Convention,

Recognizing that the entry into force of the Convention on 16 November 1994 marks an historic event in international relations and in the development of international law,

Welcoming the holding of the first meeting of the International Seabed Authority at its headquarters in Jamaica,

Noting with satisfaction the convening, on 21 and 22 November 1994 in New York, of a meeting of States parties to the Convention concerning the establishment of the International Tribunal for the Law of the Sea,

Noting also that the Agreement provides that the institutions established by the Convention should be cost-effective,

Noting further that the Agreement provides that the International Seabed Authority shall have its own budget and that the administrative expenses of the Authority shall initially be met from the regular budget of the United Nations, 3/

Acknowledging that the International Seabed Authority is an autonomous organization under the Convention,

Emphasizing the principle stated in the Convention that the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced therefore of the importance of the annual consideration and review of the overall developments relating to the law of the sea by the General Assembly as the global institution having the competence to undertake such a review,

Conscious of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by

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2/ Resolution 48/263.

3/ See resolution 48/263, paragraph 8, and also Section 1, paragraph 14, of the Annex to the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, which is contained in the annex to the resolution.

the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, 4/

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as the need to promote harmonious interaction in the uses of the ocean and to create favourable conditions for peace and order in the oceans,

Recalling that the General Assembly in its resolution 37/66 of 3 December 1982 approved the assumption by the Secretary-General of the responsibilities entrusted to him under the Convention and related resolutions of the Third United Nations Conference on the Law of the Sea, as well as the functions resulting therefrom which were subsequently elaborated in the report of the Secretary-General and approved by the General Assembly, 5/

Noting the additional responsibilities of the Secretary-General arising from the entry into force of the Convention,

Recognizing the impact on States of the entry into force of the Convention in the light of the rights and obligations arising therefrom and the increasing needs of States, especially developing States, for advice and assistance in the implementation of the Convention and to develop and strengthen their capabilities in order to enable them to benefit fully from the legal regime for the seas and oceans established by the Convention,

Conscious of the need to promote and facilitate international cooperation, especially at subregional and regional levels, in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans,

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its profound satisfaction at the entry into force of the Convention;

3. Calls upon all States that have not done so to become parties to the Convention and the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in order to achieve the goal of universal participation;

4. Expresses its satisfaction at the establishment of the International Seabed Authority;

4/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

5/ A/38/570, paras. 41 and 42.

5. Welcomes the first meeting of States parties to the Convention concerning the establishment of the International Tribunal for the Law of the Sea;

6. Expresses its satisfaction at the progress being made in the establishment of the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf;

7. Reaffirms the unified character of the Convention;

8. Calls upon States to harmonize their national legislation with the provisions of the Convention and to ensure consistent application of those provisions;

9. Requests the Secretary-General to implement the decision of the General Assembly contained in paragraph 8 of its resolution 48/263 of 28 July 1993, taking into account the decisions and recommendations of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (hereinafter referred to as "the Preparatory Commission");

10. Also requests the Secretary-General to provide, from within existing resources, such services as may be required for the meetings of States parties to the Convention and for the Commission on the Limits of the Continental Shelf;

11. Further requests the Secretary-General, from within existing resources, to convene a meeting of States parties relating to the organization of the International Tribunal for the Law of the Sea in New York from 15 to 19 May 1995 and, pursuant to the recommendations of the Preparatory Commission and the decision of the meeting of States parties of 22 November 1994, to designate before 16 May 1995 a United Nations staff member with secretariat support to be charged with making preparations of a practical nature for the organization of the Tribunal, including the establishment of a library;

12. Decides to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea;

13. Expresses its appreciation to the Secretary-General for the report prepared pursuant to paragraph 24 of General Assembly resolution 48/28, 6/ and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal regime of the seas and oceans;

14. Notes with appreciation the functions and role of the Division for Ocean Affairs and the Law of the Sea, which has contributed to the wider acceptance and rational and consistent application of the provisions of the Convention,

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6/ A/49/631.

15. Requests the Secretary-General to continue to carry out the responsibilities entrusted to him upon the adoption of the Convention 7/ and to fulfil the functions consequent upon the entry into force of the Convention, in particular by:

(a) Preparing annually a comprehensive report, for the consideration of the General Assembly, on developments relating to the law of the sea taking into account relevant scientific and technological developments, which could also serve as a basis for reports to all States parties to the Convention, the International Seabed Authority and competent international organizations, and which the Secretary-General is required to provide under the Convention; 8/

(b) Formulating recommendations for the consideration of, and for action by, the General Assembly or other appropriate intergovernmental forums, and undertaking special studies, including through the convening of meetings of groups of experts, aimed at a better understanding of the provisions of the Convention and facilitating their effective implementation;

(c) Preparing periodically special reports on specific topics of current interest, including those requested by intergovernmental conferences and bodies, and providing secretariat services to such conferences in accordance with decisions of the General Assembly;

(d) Strengthening the existing system for the collection, compilation and dissemination of information on the law of the sea and related matters and developing, in cooperation with the relevant international organizations, a centralized system with integrated databases for providing coordinated information and advice, inter alia, on legislation and marine policy, taking into account chapter 17, paragraph 17.117 (b), of Agenda 21, 9/ as well as establishing a system for notifying Member States and relevant international organizations and bodies of information of general interest submitted by States and intergovernmental bodies;

(e) Ensuring that the institutional capacity of the Organization can respond to requests of States, in particular developing States, and competent international organizations for advice and assistance and to identify additional sources of support for national, subregional and regional efforts to implement the Convention, taking into account the special needs of developing countries; 10/

(f) Establishing appropriate facilities, as required by the Convention, for the deposit by States of maps, charts and geographic coordinates concerning national maritime zones and establishing a system for their recording and

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7/ Resolution 37/66.

8/ Article 319 (2) (a) and 3 (a) (i) of the Convention.

9/ See also chapter 17, para. 17.116, of Agenda 21.

10/ See A/38/570, para. 42, and resolution 48/28, para. 14.

publicity as part of an integrated programme on the law of the sea and ocean affairs, distinct from the usual depositary functions of the Secretary-General; 11/

(g) Preparing for, and convening the meetings of States parties to the Convention and providing the necessary services for such meetings, in accordance with the Convention; 12/

(h) Preparing for the meetings of the Commission on the Limits of the Continental Shelf and providing the necessary services to the Commission, in accordance with the Convention; 13/

16. Also requests the Secretary-General to make the necessary arrangements within the integrated programme for administering and supporting the conciliation and arbitration procedures for the resolution of disputes, as required of him under the Convention; 14/

17. Calls upon all States and competent international organizations to cooperate fully with the Secretary-General in the discharge of his mandate;

18. Invites the competent international organizations to assess the implications of the entry into force of the Convention in their respective fields of competence and to identify additional measures that may need to be taken as a consequence of its entry into force with a view to ensuring a uniform, consistent and coordinated approach to the implementation of the provisions of the Convention throughout the United Nations system; 15/

19. Requests the Secretary-General to prepare a comprehensive report on the impact of the entry into force of the Convention on related existing or proposed instruments and programmes throughout the United Nations system, and to submit the report to the General Assembly at its fifty-first session;

20. Invites the competent international organizations, as well as development and funding institutions, to take specific account in their programmes and activities of the impact of the entry into force of the Convention on the needs of States, especially developing States, for technical and financial assistance, and to support subregional or regional initiatives aimed at cooperation in the effective implementation of the Convention;

11/ See articles 16 (2), 47 (9), 75 (2), 76 (9) and 84 (2) of the Convention.

12/ Article 319 (2) (e) of the Convention.

13/ Article 76 (8) and Annex II of the Convention.

14/ See Annexes V, VII and VIII of the Convention.

15/ See chapter 17 of Agenda 21, in particular paras. 17.116 and 17.117.

21. Also invites Member States and others in a position to do so to contribute to the further development of the Fellowship Programme and educational activities on the law of the sea established by the General Assembly in its resolution 35/116 of 10 December 1980;

22. Requests the Secretary-General to take fully into account the requirements under the Convention and the present resolution in the preparation of an integrated programme on ocean affairs and the law of the sea which should be duly reflected in the proposed programme budget for 1996-1997 and the medium-term plan for 1998-2003;

23. Also requests the Secretary-General to report, in accordance with paragraph 15 (a) above, to the General Assembly annually as from its fiftieth session on developments pertaining to the implementation of the Convention as well as on other developments relating to ocean affairs and the law of the sea, and on the implementation of the present resolution;

24. Decides to include in the provisional agenda of its fiftieth session the item entitled "Law of the sea".